

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY CGSA, INC.)	
FOR ISSUANCE OF A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	
TO CONSTRUCT AN ADDITIONAL CELL)	
SITE IN LEXINGTON, KENTUCKY FOR)	CASE NO.
THE PROVISION OF DOMESTIC PUBLIC)	98-169
CELLULAR RADIO TELECOMMUNICATIONS)	
SERVICE TO THE PUBLIC IN FAYETTE)	
COUNTY, KENTUCKY AND THE)	
LEXINGTON MSA)	

O R D E R

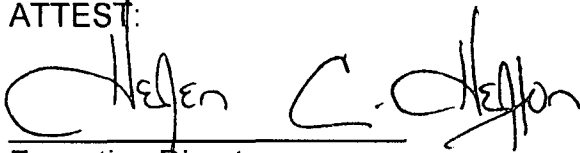
The Commission has received the attached letters regarding the proposed construction of a cellular telecommunications facility to be located at 361 Duke Road, Lexington, Fayette County, Kentucky.

IT IS THEREFORE ORDERED that:

1. Kentucky CGSA, Inc. ("Kentucky CGSA") shall respond to the concerns stated in the attached letters by certified mail, within 14 days from the date of this Order.
2. Kentucky CGSA shall file a copy of the certified letters and dated receipts, within 7 days of the date on the receipts.

Done at Frankfort, Kentucky, this 14th day of May, 1998.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


For the Commission

Montclair
Neighborhood Association

RECEIVED

MAY 01 1998

CHAIRMAN
P.S.C.

April 29, 1998

Linda K. Breathitt, Chair
Public Service Commission of Kentucky
730 Schenkel Lane
P.O. Box 615
Frankfort, KY 40602

RECEIVED

MAY 01 1998

PUBLIC SERVICE
COMMISSION

Re: Protest against GTE Mobile Phone Tower

Location: Duke Road
Lexington, Kentucky

Dear Ms. Breathitt:

This is an official protest of any plan which may be brought to the Public Service Commission of Kentucky which would propose the construction of a mobile phone transfer or relay (or other related) tower on Duke Road in Lexington.

Since this plan was denied two years ago, we are not aware of any overriding change which would warrant an approval now.

The residential neighborhood in which the GTE property is located is one in which some of the of the finest residential properties in Lexington are located. It is our firm belief that if such a tower is erected in the center of our neighborhood, the impact on the property values and quality of life would be substantial. Such a tower would drastically affect the quality of the neighborhood and would negatively impact the quality of life for the residents in that area of Lexington.

The purpose of the legislature in its recent passing of legislation to accord local planning agencies opportunities for review of plans for construction of such visibly dominant structures is to assure that business attitudes are responsive to the cries of the private neighborhood residents. The same argument can be made in regard to the purpose of the Public Service Commission. As it stands today, the Commission is the citizens' forum to seek protection from the zeal for profit which ignores the quality of individual lifestyles.

I read in the Lexington Herald-Leader this week that GTE was rationalizing this current petition, saying that the tower planned for that location would be the least offensive design available. Conversely, there was not mention of the

tower not being offensive at all. The offense of this type of facility should not be avoided or ignored in considering the petition. It simply is an eyesore.

Although I do not use a cellular phone, I have in the past. I found it a convenience issue and not a necessity. For GTE, it is a business question. But, for the property owners around the GTE building on Duke road, it is a much larger issue. GTE is clearly not a good neighbor to those residents around the Duke Road site if they have not heard their previous pleas to take the tower elsewhere if in fact it is needed at all.

Emergency services in the community do not require the additional tower and it is clear to those of us in the Montclair and Chevy Chase area that we do not need the tower. Our neighbors with cellular phones do not complain of lack of service area that GTE claims exists. If there is a lack of service, not one of the 200 homeowners in our Neighborhood Association has brought this issue to our attention as being one of concern to anyone. Frankly, if it is needed, it must be needed somewhere else and we respectfully request that GTE go to that place and erect the tower there and that the petition of GTE for a tower on Duke Road be denied.

Respectfully,


Robert L. McClelland, President

4/10/98 Lexington Ky

RECEIVED

APR 22 1998

PUBLIC SERVICE
COMMISSION

Dear Helen

My wife and I have been married
for 55 years. We chose Cherry Chase
area for our home. We have worked very hard
and still at ages of 75-79 Run our
successful business Fisher Display
Service -

To place such a tower in the
Old Established (wanted) area
of real estate (Cherry Chase) is
a disgrace to the Home owners. -

G.T. should have never been allowed
to put a office on Duke Road addum
they park their trucks on both side
of the streets and it hard for Residents
in the apts to find a place to park

Please do not grant a permit to
install such a dangerous VEHICLE IN
THIS RESIDENTIAL AREA. Once with
toll free of you wish.

C. F. Richard N Fisher S. JR.
302 Colony Blvd
Lexington, Ky 40502

1360 East Cooper Dr.
Lexington, Ky. 40502
April 19, 1998

To:
Executive Director's Office
Public Service Commission of Kentucky
Post office Box 615
Frankfort, Ky. 40602

Re. PSC Case#98-169

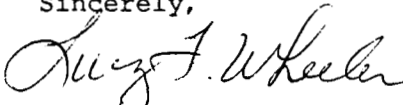
On January 22, 1996, I found myself as a property owner of 336 Romany Rd. protesting the construction and operation of a cellular tower at 327 Duke Rd., and now 2 years later, I am again opposing this tower.

I also am protesting, that I did not receive a certified letter, as I did before, and according to law should have, and have found that your commission has not sent out appropriate notice. I have been in town, still have the same address, as others who have not been informed.

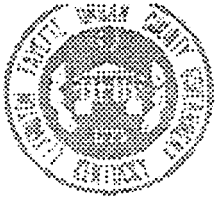
This is a lovely area of old homes, trees, with very small shopping areas that serve the area. My mother still lives 3 doors from this location in the Arnett Pritchett Home, and I also voice my opposition for that reason.

I think if you look at your 2 years time of losing the last location site, that you will again be looking for many more years, henceforth, try some place else where this tower will not be an eyesore and interference to our neighborhood.

Sincerely,


Lucy F. Wheeler

RECEIVED
APR 24 1998
PUBLIC SERVICE
COMMISSION



Lexington-Fayette Urban County Government

Department of Housing & Community Development • Division of Planning • Current Planning

April 22, 1998

Helen C. Helton, Executive Director
Public Service Commission
P. O. Box 615
Frankfort, KY 40602

RECEIVED
APR 24 1998
PUBLIC SERVICE
COMMISSION

RE: PSC Case Number 98-169 (361 Duke Road)

Dear Ms. Helton:

The Lexington-Fayette Urban County Government (hereinafter referred to as LFUCG) wishes to state concerns regarding the above-captioned amended application for a cellular tower and equipment shelter for property located at 361 Duke Road.). The information provided by Lexington CGSA, Inc. in its notice letter is not detailed enough for us to properly determine the potential impact of the tower upon the existing development on this site and the surrounding properties. I specifically request that the following items be provided for our review, or otherwise addressed as appropriate:

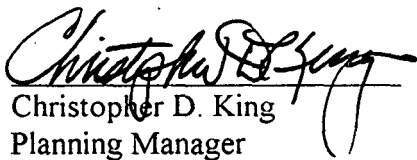
1. A copy of the application filed with the PSC; in particular, a detailed plan (to scale) showing how the proposed tower would be sited in relation to the existing development (buildings, parking, etc.) on this property.
2. The relationship between the site and the adjoining residential property to the north (within fall line).
3. A map depicting the maximum potential search ring for locating a cell tower in this area. The LFUCG needs this information to assess whether or not alternative sites may exist.
4. The maintaining of at least the minimum number of off-street parking spaces for the presently on the site under requirements of the zoning ordinance of Lexington-Fayette County.
5. Addition of a condition by the PSC that the tower be removed if it ever ceases to be used as a cellular transmitting facility.
6. Information as to proposed screening/buffering of the proposed facilities from adjoining property.

The LFUCG also wishes to state that it has received a very large number of inquiries of concern from citizens in this area and has advised them to contact the PSC so that each may become a party of record in this case. Based upon the objections raised by the community in PSC Case 96-009 for property located only a few lots away from this site, the LFUCG is concerned that

Kentucky CGSA has failed to find alternative approaches to providing antenna facilities in this area, if in fact they are needed. The LFUCG has on many occasions advised Kentucky CGSA and its representatives of the concerns of this residential neighborhood over the potential placing of a cell tower in its center.

This letter is to establish the LFUCG as a party of record in this case. The LFUCG will continue to review the application and any response received in the hope that any concerns can be addressed short of requesting intervention. I am also sending a copy of this letter to Mr. Sam McNamara, attorney for Kentucky CGSA. The Lexington-Fayette Urban County Government looks forward to a response from the applicant and/or the Public Service Commission on these requests.

Sincerely,


Christopher D. King
Planning Manager

C: Pam Miller, Mayor (c/o Charlie Boland)
Cellular Tower Committee Members
Councilmember Bill Farmer
Councilmember Teresa Isaac
CAO Ken Kerns

Ck/ctowers/helton5

FRED S. BACHMEYER

COUNSELLOR AT LAW

The Fayette Building
145 West Main St., Ste. 300
Lexington, KY 40507

Telephone
606-253-1350
Fax
606-225-3830

April 21, 1998

Executive Director's Office
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, Kentucky 40602

RECEIVED
APR 22 1998
PUBLIC SERVICE
COMMISSION

RE: Case No. 98-169

Dear Sir or Madam:

This is in response to the letter from Hon. Sam G. McNamara, attorney for Kentucky CGSA Inc. regarding an application to erect a 120-foot cellular phone tower at 361 Duke Road.

This is the second application for a tower to be erected in this neighborhood within the last fifteen months. The application to erect a 160-foot tower directly next to the property I own at 331 Duke Road was contested and eventually withdrawn (case number 96-009, Order entered February 13, 1998).

The current application has one advantage over the previous application, in that because the higher elevation of the proposed site, the proposed tower would be somewhat shorter. There is no disputing the fact, however, that a 130-foot tower would significantly impact upon the skyline. A better alternative would be to place the facility one block north on the Christ the King Cathedral.

As things are, if this project is approved, I believe there will be adverse impact upon property values for the nearby residential properties.

Thank you for your attention to this. I do urge you to disapprove the application.

Sincerely,



Fred S. Bachmeyer

FSB/pe

SONJA KEATING
102 ROMANY ROAD
LEXINGTON, KENTUCKY 40502
(606) 253-3919

April 28, 1998

Ms. Helen Helton, Executive Director
Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, Kentucky 40602

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APR 30 1998

PUBLIC SERVICE
COMMISSION

RE: PSC Case #98-169

Dear Ms. Helton:

This letter is to inform you of my opposition to the placement of a cellular tower at 361 Duke Road. I believe that the size and height of the proposed tower is incompatible with the character and appearance of the neighborhood and surrounding businesses. In addition, I have important safety concerns. Many residents in the neighborhood feel that there must be a more appropriate location for this tower.

Thank you for your consideration concerning this matter.

Very Truly Yours,

Sonja Keating

Sonja Keating

**Centre for Criminological Research**

University of Oxford,
12 Bevington Road,
Oxford OX2 6LH

RECEIVED
MAY - 5 1998
PUBLIC SERVICE
COMMISSION

FACSIMILE COVER SHEET

FROM	Roberta M. Harding		
PHONE	(01865) 274448	DIRECT LINE	
FAX	(01865) 274445		
To	Kentucky Public Service Comm.		
FAX	00-1-502-564-3460		
NUMBER OF PAGES (INC. THIS PAGE) 1			

COMMENTS

Re: Kentucky CGSA, Inc.
CPCN Application
361 Duke Road
Lexington, Fayette County, KY
PSC Case No. 98-169

The attorneys for the above-named co. sent me your fax #. I've been in Oxford since early March and return to Lexington on May 28th. I live at 360 Colony Blvd., near the proposed site.

I object to granting a permit to build there because of the construction, and the overall detrimental impact such a facility will have on the neighborhood and the quality of life there. Which I paid for when I purchased my home. Thank you! Roberta M. Harding

Pierre M. Menard
1090 Lakewood Drive
Lexington, KY 40502

April 22, 1998 **RECEIVED**

APR 23 1998

PUBLIC SERVICE
COMMISSION

Ms. Helen Helton, Executive Director
Public Service Commission
730 Schenkel Lane
PO Box 615
Frankfort, KY 40602

RE: PSC CASE #98-169

Dear Ms. Helton:

I am writing to you to OPPOSE the installation of a cellular tower at the intended location of 361 Duke Road! I, personally, find it very difficult to believe that this location would even be considered! In addition, my wife is equally opposed to this as are, at least 8 neighbors that I have spoken with when this matter arose.

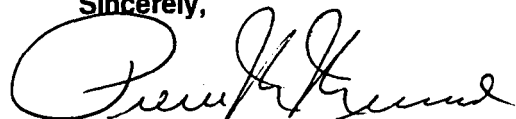
Duke Road and the Chevy Chase area of Lexington has long been known for its traditional family atmosphere. The placement and height of such a tower would not be in keeping with this tradition and history of the area!

I am pro business and I understand that communication is a key to our future, however, I believe we need to use common sense in this situation! Would you like to have this type of condition in your back yard? I am not a professional lobbyist nor have I ever felt so strongly about an issue.

Perhaps you are not an elected official and subject to future elections, however, by copy of this letter, I am forwarding this to the elected officials in my district. I think that intelligent adults can seek out a creative solution to move this tower to a more appropriate location outside of Chevy Chase! I believe that a person who holds your position must possess both intelligence and common sense. I implore that you use these assets to make the decision to deny this request.

With technological changes occurring daily, I believe, a tower is not necessary and would pose safety concerns! Why not use an existing structure or negotiate with the University of Kentucky to install the necessary equipment to the new library structure. There are ALWAYS alternatives. The present suggestion is NOT one of them!

Sincerely,



Pierre M. Menard
Voter!

cc: Farmer, Miller, Baesler, McConnell, Patton